

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

v.

ROBERT MENENDEZ, *et al.*,

Defendants.

Criminal Action No. 23-490 (SHS)

*Document electronically filed*

**CERTIFICATION OF  
LAWRENCE S. LUSTBERG IN SUPPORT  
OF MR. HANA’S OMNIBUS PRETRIAL  
MOTIONS TO DISMISS**

**I, LAWRENCE S. LUSTBERG**, hereby certify as follows:

1. I am an attorney-at-law, admitted to the bars of the States of New York and New Jersey and admitted to practice in the United States District Court for the Southern District of New York, among other Courts. I am also a Director with Gibbons P.C., counsel for Defendant Wael Hana in the above-captioned matter.

2. I submit this Certification based upon my personal knowledge and review of the attached relevant documents in support of Mr. Hana’s Omnibus Pretrial Motions to Dismiss.

3. Attached hereto as Exhibit A is a true and correct copy of an affidavit by Daniel Lewis in support of the Government’s December 23, 2020 application for a search warrant, and the resulting warrants in 20 Mag. 13682, bearing Bates Numbers SDNY\_R\_00003277 through SDNY\_R\_00003429. The Government designated Exhibit A and its contents as “Attorney’s Eyes Only” under the October 6, 2023 Protective Order, ECF No. 55. Accordingly, Exhibit A is being filed under seal.

4. Attached hereto as Exhibit B is a true and correct copy of an affidavit by Mary Jo Corkery in support of the Government's November 24, 2021 application for a search warrant, and the resulting warrants in 21 Mag. 11317, bearing Bates Numbers SDNY\_R\_00003430 through SDNY\_R\_00003617. The Government designated Exhibit B and its contents as "Attorney's Eyes Only" under the October 6, 2023 Protective Order, ECF No. 55. Accordingly, Exhibit B is being filed under seal.

5. Attached hereto as Exhibit C is a true and correct copy of an affidavit by Mary Jo Corkery in support of the Government's January 10, 2022 application for a search warrant, and the resulting warrants in 22 Mag. 242, bearing Bates Numbers SDNY\_R\_00003962 through SDNY\_R\_00004172. The Government designated Exhibit C and its contents as "Attorney's Eyes Only" under the October 6, 2023 Protective Order, ECF No. 55. Accordingly, Exhibit C is being filed under seal.

6. Attached hereto as Exhibit D is a true and correct copy of an affidavit by Mary Jo Corkery in support of the Government's January 17, 2023 application for a search warrant, and the resulting warrant in 23 Mag. 370, bearing Bates Numbers SDNY\_R\_00006221 through SDNY\_R\_00006471. The Government designated Exhibit D and its contents as "Attorney's Eyes Only" under the October 6, 2023 Protective Order, ECF No. 55. Accordingly, Exhibit D is being filed under seal.

7. Attached hereto as Exhibit E is a true and correct copy of an affidavit by Mary Jo Corkery in support of the Government's December 20, 2022 application for a search warrant, and the resulting warrants in 22 Mag. 10186, bearing Bates Numbers SDNY\_R\_00005921 through SDNY\_R\_00006220. The Government designated Exhibit E and its contents as "Attorney's Eyes

Only” under the October 6, 2023 Protective Order, ECF No. 55. Accordingly, Exhibit E is being filed under seal.

8. Attached hereto as Exhibit F is a true and correct copy of an affidavit by Mary Jo Corkery in support of the Government’s February 14, 2023 application for a search warrant and order for historical cellphone location information, and the resulting warrants and orders in 23 Mag. 1206, bearing Bates Numbers SDNY\_R\_00006472 through SDNY\_R\_00006715. The Government designated Exhibit F and its contents as “Attorney’s Eyes Only” under the October 6, 2023 Protective Order, ECF No. 55. Accordingly, Exhibit F is being filed under seal.

9. Attached hereto as Exhibit G is a true and correct copy of an affidavit by Ryan Larkin in support of the Government’s September 20, 2023 application for a search warrant, and the resulting warrants in 23 Mag. 6481, bearing Bates Numbers SDNY\_R03\_00000001 through SDNY\_R\_00000321. The Government designated Exhibit G and its contents as “Attorney’s Eyes Only” under the October 6, 2023 Protective Order, ECF No. 55. Accordingly, Exhibit G is being filed under seal.

10. Attached hereto as Exhibit H is a true and correct copy of a letter dated December 28, 2023, from the Government to counsel for Mr. Hana disclosing certain information obtained from Government interviews of potential witnesses in this case. The information contained therein forms the basis for Mr. Hana’s motion to suppress under *Franks v. Delaware*, 438 U.S. 154 (1978). The Government designated Exhibit H and its contents as “Attorney’s Possession Only” under the October 6, 2023 Protective Order, ECF No. 55. Accordingly, Exhibit H is being filed under seal.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: January 15, 2024

By: s/ Lawrence S. Lustberg

Newark, New Jersey

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